

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** January 19, 2016  
**RE:** 16-0612SP; 453 & 501 Pine Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: ELM                      Ward: 5S

Owner/Applicant: 453 Pine Street, LLC

**Request:** Sketch plan review of proposed 4-5 story, 100,000 sf commercial building and associated site improvements.

### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

### **Background Information:**

The applicant is requesting sketch plan review of a new commercial building and associated parking and site improvements on the vacant property at 453 Pine Street. A new surface parking lot is also proposed on the adjacent property at 501 Pine Street. Prior development proposals have been made for these properties and have not been constructed, due in large part to the adjacent superfund site in the barge canal. The present proposal reflects extensive work through BERA (Brownfield Economic Revitalization Alliance) and BRELLA (Brownfields Reuse and Environmental Liability Limitation Act) administered through the VT Agency of Natural Resources. This effort has involved collaboration between city, state, federal, and private entities and is the basis for this newest proposal.

Note that two properties are involved: 453 Pine Street and 501 Pine Street. At the time of permit application, two applications will be required – one for each property.

The Conservation Board reviewed this sketch plan December 7, 2015 and commented relative to wetland buffer impacts, coal tar, and surface parking. The Board generally was concerned with the amount of surface parking. As for the subsurface coal tar and wetland buffer impacts, these are items to be carefully addressed as the development plan is put together.

The Design Advisory Board reviewed this sketch plan December 8, 2015 and commented relative to surface parking and building design. The Board generally was concerned with the amount of surface parking but generally supported the building design.

The Technical Review Committee reviewed this project December 10, 2015.

## **I. Findings**

### **Article 3: Applications and Reviews**

#### ***Part 5, Conditional Use & Major Impact Review:***

#### **Section 3.5.6 (a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015.)

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

Nothing in the sketch plans directly address this criterion. The proposed building would be served by the municipal water and wastewater systems. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued.

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The project site is located in the Enterprise – Light Manufacturing (ELM) zone, across from Dealer.Com. Decades ago, the site contained a coal gasification plant but is presently vacant. Coal tar from the gasification plant has contaminated the ground resulting in Superfund status (453 Pine Street is not actually part of the Superfund, but 501 Pine Street is). The ELM zone is primarily intended for industrial uses such as manufacturing, processing, and distribution. Other commercial uses, such as office, are allowed to support a wide range of services and employment opportunities. The sketch plans do not specify a commercial use for the proposed building, but it would most likely serve as an office building consistent with the intent of the ELM zone.

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

No specific use is articulated in the sketch plans. As noted above, the most likely use is that of office space. Such use is not expected to generate exceptional noise, odor, dust, heat, or vibrations.

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic information is included in the sketch plans. A traffic analysis will be required with the permit application. The analysis must address average daily trip ends, AM and PM peak hours, and nearby intersection impacts.

*and,*

5. *The utilization of renewable energy resources;*

Nothing in the sketch plans addresses this criterion. Given the ample southern exposure of the proposed development, rooftop solar panels should be considered. Likewise, solar panels could be installed within the parking lot (above the vehicles) at 501 Pine Street.

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector.

**(b) Major Impact Review Standards**

1. *Not result in undue water, air, or noise pollution;*

The sketch plans contain little in the way of detail relative to this criterion. Some basic stormwater management measures are depicted. Soils are not conducive to infiltration. Generally stormwater will sheetflow into detention swales at the western edge of both parking lots for treatment prior to discharge into the nearby wetlands. As an office building, air and noise pollution are expected to be unexceptional.

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

The sketch plans do not contain anything relative to construction site erosion control. The permit application must include a comprehensive erosion prevention and sediment control plan, subject to the standards of Chapter 26.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 4 for traffic impacts. The project is not expected to cause unreasonable congestion or unsafe conditions on nearby sidewalks. It appears that a new multi-use path will run parallel to the building adjacent to Pine Street.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

This commercial project contains no residential component and will have no adverse impact on the city's ability to provide educational services.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

Technical review by Public Works, Parks & Recreation, BED, DPW, and others took place 12/10/15. A new building of this scale will place new demands on city services; however, no

representatives at TRC asserted unreasonably burdensome impacts. Impact fees will be paid to help offset what impacts there are on municipal services.

*8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*  
See Sec. 6.2.2 (a) & 6.3.2 (b).

*9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed development will take place on a long-vacant site within the city's Enterprise zone. The project is consistent with the city's intended growth patterns.

*10. Be in substantial conformance with the city's municipal development plan;*

Although the sketch plans lack the details of an actual permit application, conceptually the proposed development can be found to be in substantial conformance with the MDP, as per the following:

The proposed development bring new commercial activity in the Enterprise zone to a long-vacant site along Pine Street (pg. I-2, I-3, & I-22, Land Use Policies).

Plan BTV: Downtown & Waterfront specifically calls for public access to the Barge Canal (pg. 118, Embrace the Barge Canal). The sketch plans contain provision for such access across the site.

Redevelopment of this vacant commercial site is consistent with the city's Economic Development Plan (pg. VI-2, City Policies).

*11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

This project contains no residential component and will have no adverse impact on the present or projected housing needs of the city.

*12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

This proposed commercial development in not expected to have an undue adverse impact on the park and recreation needs of the city. As noted above, the sketch plans contain provision for public access to the adjacent Barge Canal. Parks impact fees will be paid to help offsite what parks impacts there may be.

## **Article 4: Maps & Districts**

### ***Sec. 4.4.3, Enterprise Districts:***

#### ***(a) Purpose***

##### ***(1) Light Manufacturing (E-LM)***

As noted previously, the ELM zone is primarily intended for industrial uses such as manufacturing, processing, and distribution. Other commercial uses, such as office, are allowed to support a wide range of services and employment opportunities. The sketch plans do not specify a commercial use for the proposed building, but it would most likely serve as an office building consistent with the intent of the ELM zone.

***(b) Dimensional Standards & Density***

At 100,000 sf, the proposed building would result in a FAR of about 0.5 on this 4.8 acre site. Maximum permissible FAR is 2.0. Setbacks appear to be compliant but will require verification on true-to-scale plans. No lot coverage information is provided and must be with the permit application. Building height is expected to exceed the 45' height limit. The applicant will seek a height waiver under Sec. 5.4.9, *Brownfield Remediation*.

***(c) Permitted & Conditional Uses***

General office is a permitted use in the ELM zone. Its large size triggers major impact, and by association, conditional use review.

***(d) District Specific Regulations***

Not applicable.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.3 (b).

***Sec. 5.2.4, Buildable Area Calculation***

See Sec. 4.4.3 (b).

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.3 (b).

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.3 (b).

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.3 (b).

***Sec. 5.4.9, Brownfield Remediation***

This section allows waiver of dimensional requirements to enable the development of brownfield sites that are substantially restricted by contamination. The waiver of dimensional requirements is aimed at allowing reasonable development to take place while minimizing impacts to onsite contaminants. While details are lacking in the sketch plans, the subject site appears to be just what this section is aimed at. Extensive onsite contamination and poor soils substantially limit development potential. Conditions require that development, and in particular the building, be concentrated into a relatively small footprint. Doing so forces a taller building (with smaller footprint) than otherwise may be allowed. The permit application must fully address the provisions of this section.

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion.

***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting information is included in the sketch plans. The permit application must include a photometric plan of the site delineating separate lighting environments (parking & circulation, walkways, and building entries) and fixture cutsheets.

#### ***Sec. 5.5.3, Stormwater and Erosion Control***

Some basic stormwater information has been provided in the sketch plans. Areas of permeable pavers are proposed along with linear stormwater attenuation structures alongside the surface parking areas. Performance details must be included in the permit application. The applicants are advised to work with the Burlington Stormwater Program to work out proposed stormwater improvements prior to permit application.

### **Article 6: Development Review Standards**

#### ***Part 1, Land Division Design Standards***

Not applicable.

#### ***Part 2, Site Plan Design Standards***

##### ***Sec. 6.2.2, Review Standards***

###### ***(a) Protection of important natural features***

The two properties do not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*. The properties are, however, affected by the buffer zones for several such natural resource overlays. Specifically, wetland and natural area buffer zones originating on properties further west extend onto the subject properties. The site plan depicts a 50' wetland buffer (i.e. the state buffer width); however, the city's wetland buffer is 100' wide and must be depicted for an accurate evaluation of buffer impacts. The site plan does not depict the 100' natural area buffer zone at all and must.

The Special Flood Hazard Area also extends into both properties. It is depicted on the sketch plans. As proposed, no construction extends into the flood zone.

###### ***(b) Topographical alterations***

The existing properties are fairly flat and will essentially remain so. Fill and grading work will be required for construction, and the sketch plans depict some topographic information. The permit application must include a detailed topographic plan. Contaminated, spongy soils onsite will require very careful earthwork.

###### ***(c) Protection of important public views***

There are no significant public views from or through the subject properties. The proposed construction will not adversely impact any identified public view corridor.

###### ***(d) Protection of important cultural resources***

The properties have no known archaeological significance. They contain no archaeological site points, nor are they located within an archaeologically sensitive area.

###### ***(e) Supporting the use of alternative energy***

See Sec. 6.3.2 (f).

###### ***(f) Brownfield sites***

The Vermont DEC Hazardous Site List specifically lists 453 Pine Street as a contaminated site. Presumably, 501 Pine Street is included in this listing but not specified separately. Both properties contain coal tar contamination associated with the superfund site. The site plan depicts the known limits of the subsurface NAPL (coal tar). As noted previously, this project is the result of extensive work through BERA and BRELLA. The proposed construction avoids encroachment into the NAPL. While details are not contained within the sketch plans, significant geotechnical analysis has been employed to avoid disturbance of the coal tar contamination.

*(g) Provide for nature's events*  
See Sec. 5.5.3.

*(h) Building location and orientation*

The proposed building will be set close to Pine Street, consistent with the street edge established by existing buildings. A central front entry will face the street and will be embellished with a front courtyard of sorts.

*(i) Vehicular access*

Two access points are proposed for 453 Pine Street, one on either side of the proposed building. The northerly driveway looks as though it could be the existing driveway serving the Maltex building and would provide access to both properties. This driveway lines up with Howard Street on the opposite side of Pine Street. Details are not articulated in the sketch plans, but it appears that both access points could provide entrance and exit from the site. A singular driveway is proposed for access to the surface parking lot at 501 Pine Street. As contemplated by this criterion, a traffic analysis will be required as part of the permit application.

*(j) Pedestrian access*

A new multiuse path runs across the length of 453 Pine Street. The sketch plans are unclear as to whether it would extend across 501 Pine Street as well. Such continuation is recommended for ease of pedestrian access. In any event, work within the Pine Street right-of-way will require the approval of the City Council in consultation with the Department of Public Works.

The space between the building and the sidewalk will be hardscaped with pavers to form an entry courtyard with sitting benches and artwork. This hardscaping will provide a strong connection between the building's front entry and the public sidewalk. Sidewalks must continue across the driveways. The sketch plans appear to depict as much, but details are lacking. Perimeter walkways hug most of the building foundation, and a new central walkway is proposed through the center of the surface parking area on 453 Pine Street. Additional walkways interior to the surface parking areas are recommended for improved pedestrian circulation and safety.

*(k) Accessibility for the handicapped*

Little in the way of ADA details are noted in the sketch plans. It is the applicant's responsibility to comply with all applicable ADA requirements.

*(l) Parking and circulation*

The proposed building is set close to Pine Street with parking placed to the side and rear of it. Site conditions related to peat soils and coal tar contamination effectively prevent placing all of the parking behind the building. Surface parking areas are broken into several sections, and the parking next to the proposed building will receive a surface paver treatment aimed at enabling

alternative uses during weekends. The sketch plans depict landscaping between the parking and the sidewalk. Details as to the proposed landscaping and its effectiveness for screening will be required with the permit application. Little detail is provided for the surface parking at 501 Pine Street. It is placed up close to the street with no screening depicted in the sketch plans. If this parking area is to be constructed, it should be heavily screened.

This criterion recommends connectivity between parking areas. There is no link between the parking at 453 and 501 Pine Street. Surface grades may preclude doing so, but the applicants should be prepared to address whether connectivity can be achieved.

In light of the reduced-size sketch plans, the dimensional adequacy of the proposed parking spaces and associated circulation cannot be assessed. The permit application will require full size true-to-scale drawings to enable such assessment.

All of the proposed surface parking will require the installation of new shade trees. No parking lot shading analysis is included in the sketch plans. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Minimum caliper size at the time of planting is 2.5" – 3.5" and a mature canopy diameter of 35' is expected. Such details will be required with the permit application.

No bike parking details are included in the sketch plans and must be provided as part of the permit application.

*(m) Landscaping and fences*

Some general landscaping information has been provided in the sketch plans. It appears that new trees will line much of the new surface parking at 453 Pine Street. New trees are also proposed within the front yard. It appears that new gardens will accent the building foundation as well. No landscaping is depicted for 501 Pine Street. Landscaping consistent with that at 453 Pine Street should accompany construction at 501 Pine Street. A detailed landscaping plan will be required as part of the permit application.

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal. The side parking area at 453 Pine Street notes potential use as "event space" on weekends. Details as to this potential use, and whether it will be publically accessible, should be included in the permit application.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new outdoor mechanical equipment is apparent in the sketch plans, nor is any outdoor trash/recycling enclosure. Such details will be required as part of the permit application. Any new utility lines must be buried.

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*



The existing built environment along this stretch of Pine Street includes a variety of building shapes and sizes. Most are relatively large, such as the neighboring BED and Maltex buildings. The Dealer.Com building is one of the largest structures along Pine Street and sits across the street from the proposed commercial building. The proposed building is large at ~ 100,000 sf and up to 5 stories but fits within the context of the existing built environment.

The massing of the proposed office building is split into two distinct components. The smaller of the two building sections sits up close to the street, whereas the larger section sits behind it. This bifurcation and siting effectively reduces the perceived building mass.

Exact building height is not specified, but at 5 stories, the proposed building presumably exceeds the 45' height limit in the ELM zone and will be one of the taller structures in the South End. Though not articulated in the sketch plans, the applicant is expected to seek the increased height under Sec. 5.4.9, *Brownfield Remediation*. This provision allows waiver of standard dimensional requirements (including height) on brownfield properties. The idea is to allow for flexibility in building design to enable development on sites constrained by contamination. The permit application must specifically address the requirements of Sec. 5.4.9.

## *2. Roofs and Rooflines*

The proposed building will include flat roofs on both building segments. Flat roofs are common in the neighborhood and acceptable as part of the proposed building design.

## *3. Building Openings*

A sheltered front entry will face Pine Street and is readily identifiable. Fenestration between the two building segments differs but is consistent within each segment. Window patterns are reminiscent of that typically found in old mill buildings and fits well within the context of this neighborhood. The fenestration along the street level of the front building section differs from the rest and brings a pedestrian scale to this street front.

### *(b) Protection of important architectural resources*

There are no structures onsite. The adjacent Maltex building is historically significant. The proposed building is offset from this building and will have no direct impact on its historic significance.

### *(c) Protection of important public views*

See 6.2.2 (c) above.

### *(d) Provide an active and inviting street edge*

The front building section provides the primary interface with the street. As noted above, it has a well-defined front entry linked to the public sidewalk. The street level is differentiated from upper levels with distinct fenestration. The front entry is sheltered by a projecting canopy, and storefront fenestration on either side is likewise accented by overhanging canopies. Ground level windows provide visual access into the building interior. Window mirroring or frosting is not noted and would not be permitted. The building/street interface is further strengthened by the front swath of hardscaping, sitting benches, and artwork.

### *(e) Quality of materials*

The sketch plans note no building materials. The permit application must specify all exterior building materials.

*(f) Reduce energy utilization*

Energy information is not included in the sketch plans. The new building must comply with the current energy efficiency requirements of the city and state.

*(g) Make advertising features complimentary to the site*

A large “453” is depicted within the 4<sup>th</sup> story of the front façade. While its size might be acceptable (but no dimensions are noted), its height is clearly not. The height limit for parallel building signs in the ELM zone is 14’ or the ceiling height of the first floor, whichever is less.

*(h) Integrate infrastructure into the building design*

While not specifically noted, the sketch plans appear to depict a rooftop mechanical enclosure and elevator penthouse. The permit application must specify these features and their materials and dimensions.

*(i) Make spaces safe and secure*

The proposed building appears to be accessible by emergency service vehicles. The project underwent technical review by Police, Fire, Building, etc. on December 10, 2015. Building entries will presumably be illuminated.

## **Article 8: Parking**

### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the Shared Use parking district. The 332 parking spaces proposed (258 at 453 Pine St + 74 at 501 Pine St) is far above the minimum parking requirement of 200 spaces (2 spaces per 1,000 sf for 100,000 sf office building). This many parking spaces exceeds the maximum parking limitation of 8.1.9, *Maximum Parking Spaces* and will, therefore, require a waiver under criterion 5 of that section. Reduction in the number of parking spaces is strongly encouraged and may be required depending on the maximum parking waiver provisions.

### ***Sec. 8.1.9, Maximum Parking Spaces***

The number of parking spaces proposed requires a waiver of the maximum parking limitation under this section. No information in support of this waiver has been provided with the sketch plans. If this parking is to be constructed, shared use for area events and/or businesses should be part of the equation.

### ***Sec. 8.2.5, Bicycle Parking Requirements***

Both short term and long term bicycle parking will be required. The 100,000 sf office building would require 20 (1 per 5,000 sf) long term bike parking spaces and 10 (1 per 10,000 sf) short term spaces. Bike parking details are required as part of the permit application.

## **II. Conditions of Approval**

None for sketch plan review.